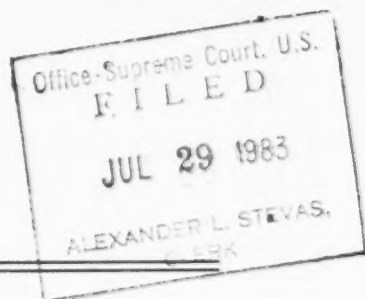


NO. 82-2038



---

IN THE SUPREME COURT OF THE  
UNITED STATES  
OCTOBER TERM, 1982

---

JOHN F. SALSBUURY, AS PARENT, NATURAL  
GUARDIAN AND ADMINISTRATOR OF THE  
ESTATE OF SCOTT EDWARD SALSBUURY,  
Petitioner

v.

ERIE COUNTY, CITY OF ERIE, DISTRICT  
ATTORNEY VESHECCO, COUNTY DETECTIVE  
TROMBETTA, ERIE POLICE DEPARTMENT,  
POLICE OFFICER DAVID FULTON, POLICE  
OFFICER THOMAS MacDONALD AND POLICE  
OFFICER EDWARD ZAHAR

---

ON PETITION FOR WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS FOR  
THE THIRD CIRCUIT

---

BRIEF IN OPPOSITION OF RESPONDENT  
ERIE COUNTY

---

Roger H. Taft, Esq.  
MacDonald, Illig, Jones & Britton  
600 First National Bank Building  
Erie, Pennsylvania 16501  
(814) 453-7611

*Attorney for Respondent  
Erie County*

---

---

## **COUNTER-STATEMENT OF QUESTIONS PRESENTED**

I. Whether the Petition for a Writ of Certiorari must be dismissed as untimely.

II. Whether the Civil Rights Act, 42 U.S.C. §1983, does not afford a cause of action to a deceased based on acts occurring after his death.

III. Whether liability of a municipality under the Civil Rights Act, 42 U.S.C. §1983, cannot be established under the theory of respondeat superior.

## TABLE OF CONTENTS

	Page
Opinions and Judgments Below.....	6
Jurisdiction.....	7
Statute Involved.....	8
Counter-Statement of Case	
I. Proceedings.....	9
II. Facts.....	10
Summary of Argument.....	12
Argument	
I. THE PETITION FOR A WRIT OF CERTIORARI MUST BE DISMISSED AS UNTIMELY.....	13
II. THE CIVIL RIGHTS ACT, 42 U.S.C. §1983, DOES NOT AFFORD A CAUSE OF ACTION TO A DECEASED BASED ON ACTS OCCURRING AFTER HIS DEATH.....	13
III. LIABILITY OF A MUNICIPALITY UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983, CANNOT BE ESTABLISHED UNDER THE THEORY OF RESPONDEAT SUPERIOR.....	16
Conclusion .....	19
Certificate of Service.....	20

## TABLE OF AUTHORITIES

Cases	Page
<i>Guyton v. Phillips</i> , 606 F.2d 248 (9th Cir.), cert. denied, 455 U.S. 916, 100 S.Ct. 1276 (1979).....	14, 15
<i>Monell v. Department of Social Services</i> , 436 U.S. 658, 98 S. Ct. 2018 (1978).....	17
<i>Monroe v. Pape</i> , 365 U.S. 167, 81 S.Ct. 473 (1961).....	17
<i>Owen v. City of Independence</i> , 445 U.S. 622, 100 S.Ct. 1398 (1980).....	18
<i>Parker v. People of State of Illinois</i> 333 U.S. 571, 68 S.Ct. 708 (1948).....	13
<i>Polk County v. Dodson</i> , 454 U.S. 312, 102 S.Ct. 445 (1981).....	18
<i>Rust Land &amp; Lumber Co. v. Jackson</i> , 250 U.S. 71, 39 S.Ct. 424 (1919).....	13
<i>Silkwood v. Kerr McGee Corp.</i> , 637 F.2d 743 (10th Cir. 1980), cert. denied, 454 U.S. 833, 102 S. Ct. 132 (1981).....	14
<i>Toledo Scale Co. v. Computing Scale Co.</i> , 261 U.S. 399, 43 S.Ct. 458 (1923).....	13
<i>Whitehurst v. Wright</i> , 592 F.2d 834 (5th Cir. 1979).....	14, 16

<b>Statutes</b>	<b>Page</b>
28 U.S.C. §2101(c).....	7, 13
42 U.S.C. §1983.....	8, 9, 10, 12, 13, 14, 15, 16, 17, 18
42 U.S.C. §1985.....	14, 15, 16

### **Rules of Court**

Rule 19.1 of the Rules of Supreme Court of The United States.....	6
Rule 19.2 of the Rules of Supreme Court of the United States.....	6
Rule 20.1 of the Rules of Supreme Court of the United States.....	7, 13
Rule 22 of the Rules of Supreme Court of the United States.....	5
Rule 28.3 of the Rules of Supreme Court of the United States.....	20
Rule 12(b)(6) of the Federal Rules of Civil Procedure.....	9, 11, 14

IN THE SUPREME COURT OF THE  
UNITED STATES  
OCTOBER TERM, 1982  
NO. 82-2038

---

JOHN F. SALSURY, AS PARENT, NATURAL  
GUARDIAN AND ADMINISTRATOR OF THE  
ESTATE OF SCOTT EDWARD SALSURY,  
Petitioner

v.

ERIE COUNTY, CITY OF ERIE, DISTRICT  
ATTORNEY VESHECCO, COUNTY DETECTIVE  
TROMBETTA, ERIE POLICE DEPARTMENT,  
POLICE OFFICER DAVID FULTON, POLICE  
OFFICER THOMAS MacDONALD AND POLICE  
OFFICER EDWARD ZAHAR

---

ON PETITION FOR WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

BRIEF IN OPPOSITION OF RESPONDENT  
ERIE COUNTY

---

Respondent ERIE COUNTY, by its attorney, Roger H. Taft, Esq., presents this Brief in Opposition to Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit pursuant to Rule 22 of the Rules of the United States Supreme Court.

## **OPINIONS AND JUDGMENTS BELOW**

The Opinion and Order of the United States District Court for the Western District of Pennsylvania at No. 82-167 Erie, entered September 16, 1982, is not reported in any official report, but is found in the Appendix for Appellant, p. 53-57, filed with the United States Court of Appeals for the Third Circuit which respondent Erie County has requested be certified and transmitted to the Supreme Court of the United States pursuant to Rules 19.1 and 19.2 of the Rules of the Supreme Court of the United States.

The Judgment Order of the United States Court of Appeals for the Third Circuit at No. 82-5586, entered February 25, 1983, is reported at 703 F.2d 552 (3d Cir. 1983).

## **JURISDICTION**

The Court lacks jurisdiction over the Petition for a Writ of Certiorari because the Petition was not docketed until June 13, 1983 and is from entry of a Judgment Order dated February 25, 1983 by the United States Court of Appeals at No. 82-5586. The Petition, therefore, is untimely under 28 U.S.C. §2101(c) and Rule 20.1 of the Rules of the Supreme Court of the United States.

Although there was a related case before the United States Court of Appeals for the Third Circuit at No. 82-5386, in which John F. Salsbury, individually, was the plaintiff, the two cases were not consolidated, and the caption of the Petition for a Writ of Certiorari would indicate that the Petition is from the appeal at No. 82-5586.



**STATUTE INVOLVED**

The Civil Rights Act, 42 U.S.C. §1983, provides:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.”

## COUNTER-STATEMENT OF CASE

### I. Proceedings

Petitioner John F. Salsbury as Administrator of the Estate of Scott Edward Salsbury and as Parent and Natural Guardian of Scott Edward Salsbury (hereinafter referred to as "Salsbury") commenced an action on July 8, 1982 against respondents Erie County, City of Erie, District Attorney Veshecco, County Detective Trombetta, Erie Police Department, Police Officer David Fulton, Police Officer Thomas MacDonald, and Police Officer Edward Zahar by filing a Complaint pro se with the United States District Court for the Western District of Pennsylvania at Civil Action No. 82-167 Erie. The Complaint sought damages under 42 U.S.C. §1983 for an alleged civil rights violation resulting from events related to the death of Salsbury's son, Scott Edward Salsbury, by motor vehicle accident. (R.1-7). Respondent Erie County and the other defendants filed Motions to Dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure asserting, among other defenses, that the Complaint failed to state a claim upon which relief can be granted. (R.8-9, 15-18, 20-24).

On September 16, 1982, the United States District Court of the Western District of Pennsylvania entered an Opinion and Order granting all Motions to Dismiss and dismissing the Complaint pursuant to Rule 12(b) (6) of the Federal Rules of Civil Procedure. (R.53-57). On September 20, 1982, Salsbury filed a Notice of Appeal to the United States Court of Appeals for the Third Circuit at No. 82-5586. (Notice of Appeal; Docket Entries).

On February 25, 1983, the United States Court of Appeals entered a Judgment Order affirming the judgment of the United States District Court for the Western District of Pennsylvania. No Petition for Rehearing was filed. Salsbury filed the Petition for a Writ of Certiorari with the United States Supreme Court on June 13, 1983.

Although John F. Salsbury, individually, commenced a separate action in the United States District Court for the Western District of Pennsylvania at Civil Action No. 82-61 Erie, from

which an appeal was taken to the United States Court of Appeals for the Third Circuit at No. 82-5386, the two appeals were not consolidated. It appears from the caption of the Petition for a Writ of Certiorari that the Petition is from the appeal at No. 82-5586.

## II. Facts

This statement of the facts is taken from the Complaint and the Motions to Dismiss which provide the basis for the District Court's Opinion and Order entered September 16, 1982 at Civil Action No. 82-167 Erie, affirmed by the United States Court of Appeals for the Third Circuit at No. 82-5586. It should be noted that the statement of facts set forth in Salsbury's Petition for a Writ of Certiorari appears to be his own version of events which were never made part of the record below.

The Complaint in this case was filed by Salsbury pro se, alleging a civil rights violation under 42 U.S.C. §1983 as a result of events related to the death of his son by motor vehicle accident. The Complaint appears to allege an improper investigation of the accident by the City of Erie Police and improper handling of a private criminal complaint by particular employees of the Office of the District Attorney of Erie County, including alleged tampering with witnesses.

The Complaint does not contain any specific allegations against defendant Erie County, other than an assertion that the Prosecutor's Office is the chief law enforcement agency of Erie County. (Complaint, ¶4; R.2). Rather, the Complaint alleges improper handling of Salsbury's private criminal complaint and tampering with witnesses by respondent County Detective Trombetta and Assistant District Attorney Chad D. Connely. (Complaint, ¶13, 14, 16, 17, 19; R.4-5). There is no allegation whatsoever against respondent District Attorney Veshecco. (R.1-7). The Complaint further alleges that the Office of the District Attorney first became involved following receipt of a complaint by Salsbury regarding the investigation by the City of Erie Police Department, after the death of Salsbury's son. (Complaint, ¶10; R.3).

Respondent Erie County filed a Motion to Dismiss under Rule 12(b) (6) of the Federal Rules of Civil Procedure, asserting that Salsbury failed to state a claim against Erie County upon which relief can be granted. (R.15-18). Although that Motion to Dismiss set forth several grounds for dismissal, the Opinion and Order entered by the United States District Court for the Western District of Pennsylvania on September 16, 1982 addressed the specific issue of Salsbury's effort to establish liability against Erie County under the theory of respondeat superior. (R.53, 56).

## SUMMARY OF ARGUMENT

I. The Petition for a Writ of Certiorari must be dismissed as untimely. The Judgment Order of the United States Court of Appeals for the Third Circuit at No. 82-5586 was entered on February 25, 1983, and Salsbury filed no petition for rehearing with respect to that appeal. The Petition for a Writ of Certiorari was not docketed until June 13, 1983, 108 days after entry of the Judgment Order.

II. Even if the Petition for a Writ of Certiorari is deemed to be timely from the Judgment Order in the appeal at No. 82-5586, the Petition should be denied because the decision of the United States Court of Appeals for the Third Circuit is in accord with decisions of other federal courts of appeals. A deceased is not a "person" within the scope of 42 U.S.C. §1983; civil rights of a person cannot be violated after that person has died. Respondent Erie County had no involvement with events surrounding the motor vehicle accident until after the death of Salsbury's son and after the investigation by the City of Erie Police Department.

III. Even if the Petition for a Writ of Certiorari is deemed to be timely from the Judgment Order in the appeal at No. 82-5586, the Petition for a Writ of Certiorari should be denied because the decision of the United States Court of Appeals for the Third Circuit is in accord with settled decisions of the Supreme Court of the United States. Liability of a municipality under 42 U.S.C. §1983 cannot be established under the theory of respondeat superior. The alleged actions of particular employees of the Office of the District Attorney were not taken pursuant to any policy statement, ordinance, regulation or decision officially adopted and promulgated by officers of Erie County or pursuant to an established government custom.

## ARGUMENT

### I. THE PETITION FOR A WRIT OF CERTIORARI MUST BE DISMISSED AS UNTIMELY.

The Petition for a Writ of Certiorari must be dismissed as untimely. The record establishes that the United States Court of Appeals for the Third Circuit entered a Judgment Order on February 25, 1983 at No. 82-5586, affirming the judgment of the United States District Court for the Western District of Pennsylvania in favor of all respondents. Salsbury did not file a petition for rehearing at No. 82-5586, and the Petition for a Writ of Certiorari was not docketed until June 13, 1983, some 108 days after entry of the Judgment Order.

There was a separate, related appeal before the United States Court of Appeals for the Third Circuit at No. 82-5386 in an action which had been filed by John F. Salsbury, individually, but the two appeals were not consolidated. The caption of the Petition for a Writ of Certiorari would indicate that the Petition is from the appeal at No. 82-5586.

Salsbury's Petition for a Writ of Certiorari was untimely under 28 U.S.C. §2101(c) and Rule 20.1 of the Rules of the Supreme Court of the United States. The Petition for a Writ of Certiorari, therefore, must be dismissed. See *Parker v. People of State of Illinois*, 333 U.S. 571, 576, 68 S.Ct. 708, 710 (1948); *Toledo Scale Co. v. Computing Scale Co.*, 261 U.S. 399, 418, 43 S.Ct. 458, 462 (1923); *Rust Land & Lumber Co. v. Jackson*, 250 U.S. 71, 76, 39 S.Ct. 424, 426 (1919).

### II. THE CIVIL RIGHTS ACT, 42 U.S.C. §1983, DOES NOT AFFORD A CAUSE OF ACTION TO A DECEASED BASED ON ACTS OCCURRING AFTER HIS DEATH.

Even if the Petition for a Writ of Certiorari is deemed timely, the Petition should be denied because the decision of the United States Court of Appeals for the Third Circuit is in accord with decisions of other federal courts of appeals which have held that

a deceased has no cause of action under 42 U.S.C. §1983 for acts occurring after his death.

Salsbury's Complaint seeks to establish liability upon respondent Erie County based on alleged acts which occurred after the death of Scott Edward Salsbury. The civil rights of a person, however, cannot be violated after that person has died. The Complaint against respondent Erie County, therefore, was properly dismissed pursuant to Rule 12(b) (6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted.

This civil rights action arises out of events following a motor vehicle accident which caused the death of Salsbury's son, Scott Edward Salsbury. Salsbury contends that the City of Erie Police Department improperly investigated the accident. He also contends that when he complained about his investigation to the Office of the District Attorney, two employees of that office failed to properly handle his complaint and engaged in witness tampering. The Office of the District Attorney, however, did not become involved until after the investigation by the City of Erie Police Department and after the death of Salsbury's son.

The United States Courts of Appeals which have addressed alleged civil rights violations which occurred post obitum have uniformly held that the civil rights of a person cannot be violated once that person has died. See *Silkwood v. Kerr-McGee Corp.*, 637 F.2d 743, 749 (10th Cir. 1980), *cert. denied*, 454 U.S. 833, 102 S.Ct. 132 (1981); *Guyton v. Phillips*, 606 F.2d 248, 250-251 (9th Cir.), *cert. denied*, 445 U.S. 916, 100 S.Ct. 1276 (1979); *Whitehurst v. Wright*, 592 F.2d 834, 840-841 (5th Cir. 1979). Simply stated, a decedent's civil rights terminate upon his death.

In *Silkwood v. Kerr-McGee Corp.*, 637 F.2d 743 (10th Cir. 1980), *cert. denied*, 454 U.S. 833, 102 S.Ct. 132 (1981), the estate and heirs of a corporate employee made a claim under the Civil Rights Act of 1871, 42 U.S.C. §1985(3), alleging that corporate officials and FBI agents engaged in a conspiracy to cover up efforts to hinder a union organizational effort after the death of the employee. 637 F.2d at 745-746. The United States Court



of Appeals for the Tenth Circuit affirmed the dismissal of this civil rights claim, stating:

"The conspiracy's alleged purpose was two-fold: to violate the rights of Silkwood and others, and to cover up these violations. *We agree with the Ninth Circuit that the civil rights of a person cannot be violated once that person has died.* [Citations deleted]. It is clear then that the FBI agents have not violated the civil rights of Silkwood by cover-up actions taken after her death." [Emphasis added].

637 F.2d at 749.

In *Guyton v. Phillips*, 606 F.2d 248 (9th Cir.), *cert. denied*, 445 U.S. 916, 100 S.Ct. 1276 (1979), the administratrix of an estate brought an action under the Civil Rights Act, 42 U.S.C. §1983, alleging that certain police officers shot and killed her decedent and then conspired to cover up their wrongful acts. The administratrix also alleged that public officials, including the District Attorney, joined the cover-up conspiracy. 606 F.2d at 249-250. The United States Court of Appeals for the Ninth Circuit affirmed dismissal of the civil rights claim related to the cover-up charge, stating:

*"The issue presented is whether the Civil Rights Act affords a cause of action on behalf of a deceased for acts occurring after the death of that person. We hold it does not and affirm the judgment of the district court.*

\* \* \*

*We find that the Civil Rights Act, 42 U.S.C. §§1983 and 1985, does not provide a cause of action on behalf of a deceased based upon alleged violations of the deceased's civil rights which occurred after his death. A 'deceased' is not a 'person' for the purposes of 42 U.S.C. §§1983 and 1985, nor for the constitutional rights which the Civil Rights Act serve to protect. [Emphasis added].*

606 F.2d at 250.



Finally, in *Whitehurst v. Wright*, 592 F.2d 834 (5th Cir. 1979), the mother and administratrix of a decedent who had been mistakenly shot in connection with a bank robbery brought a civil rights action under 42 U.S.C. §1983, alleging a cover-up of the shooting. 592 F.2d at 836-837. The United States Court of Appeals for the Fifth Circuit affirmed the dismissal of the civil rights claim related to the cover-up, stating:

"The trial court correctly ruled that the events occurring *post obitum* could form no part of the deceased's 42 U.S.C. §1983 or §1985 action. The essence of a claim under either section is the deprivation of a person's constitutional rights. Here, the events of the alleged cover-up took place after Bernard Whitehurst had been shot and killed. No allegation was made to any conspiracy to kill Whitehurst or to cover up the event existing before the shooting took place. *After death, one is no longer a person within our constitutional and statutory framework, and has no rights of which he may be deprived.* A claim in this instance was properly denied." [Emphasis added].

592 F.2d at 840.

In summary, the Office of the District Attorney did not become involved in events related to the motor vehicle accident which killed Salsbury's son until after the son had died. All alleged events involving respondent Erie County occurred *post obitum* and, therefore, cannot be the basis for a violation of 42 U.S.C. §1983. The Petition for a Writ of Certiorari should be denied.

### III. LIABILITY OF A MUNICIPALITY UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983, CANNOT BE ESTABLISHED UNDER THE THEORY OF RESPONDEAT SUPERIOR.

Even if the Petition for a Writ of Certiorari is deemed timely, the Petition should be denied because the decision of the United States Court of Appeals for the Third Circuit is in accord with settled decisions of the Supreme Court of the United States which have held that liability of a municipality under 42 U.S.C. §1983

cannot be based on the doctrine of respondeat superior.

Salsbury's Complaint seeks to establish liability upon respondent Erie County under the theory of respondeat superior. Liability of a municipality under 42 U.S.C. §1983 cannot be established under such a theory and, therefore, the Complaint against respondent Erie County was properly dismissed pursuant to Rule 12(b) (6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted.

The extent to which 42 U.S.C. §1983 applies to a municipality, such as Erie County, is set forth in *Monell v. Department of Social Services*, 436 U.S. 658, 98 S.Ct. 2018 (1978). In *Monell*, the United States Supreme Court overruled one holding of *Monroe v. Pape*, 365 U.S. 167, 81 S.Ct. 473 (1961), which established that municipal corporations were immune from liability under Section 1983. The Court, however, upheld a second holding of *Monroe* which established that a municipal corporation cannot be held liable under Section 1983 based on the doctrine of respondeat superior. 436 U.S. at 664 and n.7, 98 S.Ct. 2022 and n.7. In defining the limited nature of a municipality's liability under 42 U.S.C. §1983, the Court stated:

"Local governing bodies, therefore, can be sued directly under §1983 for monetary, declaratory, or injunctive relief where, as here, *the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers*. Moreover, although the touchstone of the §1983 action against a government body is an allegation that official policy is responsible for a deprivation of rights protected by the Constitution, *local governments, like every other §1983 'person' by the very terms of the statute, may be sued for constitutional deprivations visited pursuant to governmental 'custom' even though such a custom has not received formal approval through the body's official decisionmaking channels.*" [Emphasis added].

436 U.S. at 690, 98 S.Ct. at 2035-2036. In other words, the municipality's action must be taken pursuant to an officially

adopted government policy or pursuant to an established government custom. See also *Owen v. City of Independence*, 445 U.S. 622, 100 S.Ct. 1398, 1406 (1980).

In *Polk County v. Dodson*, 454 U.S. 312, 102 S.Ct. 445 (1981), the United States Supreme Court again addressed the limited scope of a municipality's liability under 42 U.S.C. §1983, when a prisoner brought a pro se action against Polk County, Iowa and several other defendants arising out of the withdrawal of a public defender as his counsel. The Court reaffirmed that Section 1983 will not support a claim based on the respondeat superior theory of liability. 102 S.Ct. at 453. The Court noted that official policy must be the moving force of the alleged constitutional violation. 102 S.Ct. at 454.

Turning to the allegations of Salsbury's Complaint, it is clear that the only basis for the alleged liability of respondent Erie County is the doctrine of respondeat superior. Much of the Complaint deals with an alleged improper investigation of a motor vehicle accident by the City of Erie Police Department. The other claims against the Office of the District Attorney are based on alleged actions of two employees, respondent County Detective Trombetta and Chad Connely, an Assistant District Attorney. There is no allegation whatsoever of any personal involvement by respondent District Attorney Veshecco.

The Complaint does not assert that the alleged actions by the two employees of the Office of the District Attorney were taken pursuant to any policy statement, ordinance, regulation or decision officially adopted and promulgated by the officers of Erie County or pursuant to any established government custom. Rather, the Complaint deals with Salsbury's concern over the handling of a private criminal complaint, arising out of a motor vehicle accident which involved the death of his son, by particular employees of the Office of the District Attorney.

As tested by the *Monell* rule, respondent Erie County cannot be liable under 42 U.S.C. §1983 even if the allegations of the Complaint are true. The Petition for a Writ of Certiorari should be denied.

**CONCLUSION**

Wherefore, respondent Erie County respectfully requests this Honorable Court to dismiss or deny the Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

Respectfully submitted,

Roger H. Taft, Esq.  
MacDonald, Illig, Jones & Britton  
600 First National Bank Building  
Erie, Pennsylvania 16051  
(814) 453-7611

*Attorney for Respondent  
Erie County*

**CERTIFICATE OF SERVICE**

I hereby certify that three copies of this Brief in Opposition of Respondent Erie County were sent this 28th day of July, 1983 by first class United States Mail to the following parties of record or to their counsel, pursuant to Rule 28.3 of the Rules of the Supreme Court of the United States:

John F. Salsbury, Pro Se  
7246 McGill Road  
Harborcreek, Pennsylvania 16421

Timothy J. Lucas, Assistant District Attorney  
Office of the District Attorney  
Erie County Court House  
Erie, Pennsylvania 16501

Lawrence L. Kinter, Deputy City Solicitor  
Office of the City Solicitor  
Municipal Building  
Erie, Pennsylvania 16501

Roger H. Taft, Esq.